

# DEWEY & LEBOEUF LLP

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March 21, 2008

BY FACSIMILE

The Honorable Denny Chin  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 1020  
New York, New York 10007-1312

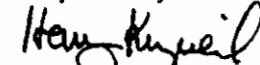
USDC SDNY  
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Re: *Harbinger Capital Partners Master Fund I, LTD, et al. v.  
Wachovia Capital Markets, LLC d/b/a Wachovia Securities, et al.* (No. 07 Civ 8139)

Dear Judge Chin:

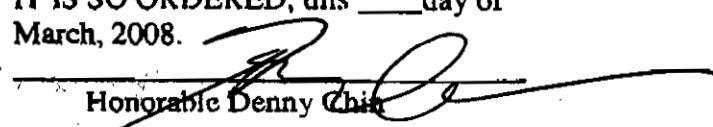
We write to request that the Court approve an agreement among the parties with respect to plaintiffs' recently filed Amended Complaint and Wachovia Capital Markets, LLC's ("WCM") and BDO Seidman LLP's ("BDO") pending motions to dismiss. As you know, WCM and BDO filed separate motions to dismiss plaintiffs' original Complaint on November 13, 2007, and plaintiffs filed an Amended Complaint on March 18, 2008 while those two motions were fully briefed and pending. The parties are in agreement that plaintiffs' Amended Complaint does not affect the arguments raised in defendants' pending motions to dismiss and that revised briefing is unnecessary. We therefore respectfully request that the Court indicate approval of the parties' agreement that the currently pending motions to dismiss be deemed applicable to the Amended Complaint.

Respectfully,

  
Harvey Kurzweil

cc: All Counsel of Record  
Robert B. Lynn (by mail)

IT IS SO ORDERED, this 31<sup>st</sup> day of  
March, 2008.

  
Honorable Denny Chin